

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HAYWOOD GANDY,	:	
	:	
Plaintiff,	:	Civil No. 06-0021 (AET)
	:	
v.	:	<u>MEMORANDUM & ORDER</u>
	:	
CORRECTIONAL MEDICAL	:	
SERVICES, INC., et al.,	:	
	:	
Defendants.	:	
	:	

THOMPSON, U.S.D.J.

This matter comes before the Court on Plaintiff's January 5, 2006 application to proceed in forma pauperis and without prepayment of fees pursuant to 28 U.S.C. § 1915(a). Plaintiff is confined at South Woods State Prison in Bridgeton, New Jersey. Based on his affidavit of indigence, prison account statement, and the apparent absence of three dismissals within 28 U.S.C. § 1915(g), the Court finds that Plaintiff qualifies to proceed in forma pauperis. Pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, the Court has reviewed the Complaint to identify cognizable claims, and finds that sua sponte dismissal of the Complaint is not required at this stage of the proceeding.

IT IS THEREFORE on this 16th day of May, 2006,

ORDERED that Plaintiff's application to proceed in forma pauperis [1] is hereby GRANTED; and it is further

ORDERED that the Clerk shall file the Complaint pursuant to 28 U.S.C. § 1915(a) and

(b); and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General of the State of New Jersey and the Warden of South Woods State Prison in Bridgeton, New Jersey; and it is further

ORDERED that Plaintiff's Complaint may PROCEED at this time; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue summons and the United States Marshal shall serve a copy of the Complaint, Summons and this Order upon the Defendants against whom this Complaint is proceeding; and it is further

ORDERED that pursuant to 42 U.S.C. § 1997e(g)(2), the Defendants who are served shall file and serve a responsive pleading within the time specified by Fed. R. Civ. P. 12; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(1) and (2), Plaintiff is assessed a filing fee of \$350.00, which shall be deducted from Plaintiff's prison account in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of the Plaintiff shall assess, deduct from Plaintiff's account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the civil docket number of this action.

s/ Anne E. Thompson

ANNE E. THOMPSON, U.S.D.J.